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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) No. CR 3-05-70327-EDL
18 Plaintiff,) [PROPOSED] ORDER EXCLUDING
19 v.) TIME UNDER THE SPEEDY TRIAL ACT
20 THOMAS KEITH CASEBEER,)
21 Defendant.)
22 _____)

23 This matter came on the calendar of the Honorable Maria-Elena James on February 14,
24 2006 for status. The Court continued the matter until April 7, 2006 at 9:30 a.m. for further status
25 and/or arraignment on a superseding information.

26 The parties requested an exclusion of time under the Speedy Trial Act from February 14
27 through April 7, 2006 for effective preparation of government counsel. The case agent, SA Brent
28 Burmester, left ICE on January 20, 2006, and this case has been assigned to a new agent.
Meanwhile, the U.S. Postal Inspection Service's forensics laboratory has been assisting ICE in
analyzing the defendant's computer. The review of the computer has not been completed.

No. CR 3-05-70327-EDL
[PROPOSED] ORDER EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT

In light of the need for government counsel to review the evidence and prepare a superseding information, the parties agree that the time between February 14 and April 7, 2006 should be excluded under the Speedy Trial Act for effective preparation and continuity of counsel. See 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

5 Accordingly, the Court HEREBY ORDERS that the time from February 14 through April
6 7, 2006 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the
7 failure to grant the requested exclusion would deny the government reasonable time necessary for
8 effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
9 3161(h)(8)(B)(iv). The Court further finds that the ends of justice served by granting the
10 requested exclusion outweigh the best interest of the public and the defendant in a speedy trial
11 and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court
12 therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

13 IT IS SO ORDERED.

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HONORABLE MARIA ELENA JAMES
UNITED STATES MAGISTRATE JUDGE

18 | Approved as to form:

20 /s/ Edward Swanson
21 EDWARD SWANSON
 Attorney for Defendant